

BRIDGETREE, INC., et al.,

V.

Defendants.

THIS MATTER is before the Court on Plaintiffs' Motion to Compel Attendance at a Rule 26(f) Initial Attorneys' Conference (Doc. No. 51). Having found the Motion supported by good cause, the Court will grant the Motion.

The Court recognizes two of the named Defendants, Jason Li and Mali Xu have yet to file responsive pleadings or appear in this matter. It is the Court's understanding, however, that Defendants Li and Xu are being served through the Chinese judicial system. In the interest of judicial efficiency, the Court is reluctant to wait indefinitely for Defendant Li's and Defendant Xu's appearances before progressing with discovery.


Additionally, the Court’s standing Initial Scheduling Order (“ISO”) (Misc. No. 3:07-mc-47, Doc. No. 2-4) tolls the period in which to hold a Rule 26(f) conference where, *inter alia*, there is a pending Rule 12(b)(1) motion, (ISO § 3(c)(i)), but does not toll the period for pending motions to dismiss *counterclaims*.

Therefore, it is ORDERED that Plaintiffs' Motion is GRANTED and that the parties who have appeared before this Court hold their Initial Attorneys' Conference pursuant to Fed. R. Civ. P. 26(f) by **Tuesday, October 12, 2010**. As soon as practicable thereafter, the Court will issue a

Case Management Order and discovery may then commence.

IT IS SO ORDERED.

Signed: October 7, 2010


Frank D. Whitney
United States District Judge

